IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7417 OF 2005

IN

CRIMINAL APPEAL NO.566 OF 2003

The State of Maharashtra ...Applicant

Versus

Navin Popatlal Gala & Anr. ...Respondents

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Mr.U.V.Nikam, A.P.P. for Applicant.

Mr.Pramod Kathane for Respondent No.1.

None for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 9, 2005.

P.C.

1. Heard Counsel for the parties.

2. This Application is allowed for the simple reason that the question involved in the pending appeal is very short. It is seen that the Trial Court has disposed of the case only on recording

evidence of doctor P.W.1. The Trial Court has observed that prosecution has not produced evidence to establish the factum of incident in question. The grievance of the prosecution seems to be that the summons could not be served on the concerned witness on the address on which it was forwarded. Record indicates that the address of prosecution witness had changed and which address was available on record, however, summons was not forwarded on that address. All these matters will be relevant while deciding the appeal.

3. Suffice it to observe that as short question is involved, appeal deserves to be heard immediately. This Application is allowed.

4. Place the appeal on 14th December 2005 under caption ‘final disposal’.

A.M.KHANWILKAR, J.